

# EXHIBIT 1

# EXHIBIT 1



March 2, 2010  
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## Free speech defense used in Stolen Valor case

Keith Rogers and Doug McMurdo

By KEITH ROGERS and DOUG McMURDO

LAS VEGAS REVIEW-JOURNAL

The attorney for an Air Force veteran charged with illegally wearing a Purple Heart medal invoked a First Amendment **defense** Monday in the first known prosecution in Nevada under the **Stolen Valor** Act.

Assistant Federal Public Defender Rene Valladares argued that some charges against David M. Perelman should be dismissed because prosecutors cite a part of the act that restricts **free speech**.

"We are not taking on the constitutionality of the **Stolen Valor** Act" of 2005, Valladares said Monday during the first of two hearings in the case in U.S. District Court.

Perelman, 56, of Las Vegas is accused of wearing a Purple Heart in 2008 during a national convention of recipients of the medal in Las Vegas. He claimed he was wounded in combat in Vietnam when in fact he was wounded by a self-inflicted gunshot in 1991, according to the indictment.

The two-count indictment also accuses him of stealing about \$180,000 in monthly disability benefits from the Department of Veterans Affairs from July 1995 until July 2009. Perelman is a former VA employee.

"Because of the Purple Heart, the VA presumed that his thigh injury was service related and awarded him benefits," according to the court papers filed by U.S. Attorney Daniel Bogden and Assistant U.S. Attorney Roger Yang. They opposed the motion to dismiss the **Stolen Valor** count.

They didn't charge Perelman with the part of the **Stolen Valor** Act that deals with making false claims about receiving **valor** medals even though their case seems to hinge on fraudulent special orders that were put in his file in 1993 awarding him a Purple Heart for wounds received in Vietnam in 1971.

"We bring charges which we believe are the most readily provable against a defendant," Bogden said in an e-mail Monday. The theft charge for stealing VA disability benefits carries up to 10 years in prison, he said, and a conviction on the misdemeanor of "unauthorized wearing of a military medal" could carry a fine and an additional year in prison.

The American Civil Liberties Union of Nevada weighed in as a friend of the court saying the part of the act that Perelman is charged under is overly broad and raises **free speech** questions.

"You can't pass a law that demands respect for symbols," ACLU attorney Allen Lichtenstein said. "No such law would pass constitutional muster."

U.S. Magistrate Judge Lawrence Leavitt said the purpose of the **Stolen Valor** Act "is to promote, preserve and protect the dignity of the medal." What's not allowed, he said, "is to pass oneself off

as a decorated veteran worthy of a Purple Heart. ... You can't wear it unless you earned it. Period."

In the court papers, Bogden and Yang state Perelman arrived in Vietnam in August 1971 as an air cargo specialist and sought treatment a month later "claiming that he was having LSD flashbacks that could only be relieved by eating food."

Doctors diagnosed a personality disorder and restricted him from hazardous duty. In October 1971, after only seven months in the Air Force and less than three months in Vietnam, Perelman was given an administrative discharge.

"On May 3, 1991, Perelman began a campaign claiming that he was awarded the Air Force Cross and Purple Heart for his heroic actions on July 12, 1971, while in Vietnam," the prosecution's filing said. He claimed he was wounded by shrapnel and received second-degree burns but later admitted he shot himself in 1991.

Somehow, a special order for award of a Purple Heart medal to Perelman dated Sept. 1, 1993, "made its way into Perelman's record at the National Personnel Records Center," according to the prosecution's filing.

There are arguments in other jurisdictions that challenge the constitutionality of the **Stolen Valor** Act. Both Lichtenstein and Valladares argued that the wording in the act prohibits actors from wearing medals in theatrical productions and prevents anti-war protesters from wearing the medal, which makes their argument a battle over protected speech.

Yang disagreed, saying a reasonable person would not think an actor wearing a medal in a war movie was an actual recipient. As for war protesters wearing the medal to make a point, Yang said, "You can do whatever you want with the medal as long as you've earned it."

Lichtenstein also likened the wearing of such medals to cross burning. "It can be illegal if it's done for purposes of intimidation," he said. "But you can't ban cross burning at a Klan rally out in the woods where nobody is intimidated. It's offensive, but it isn't illegal."

Contact reporter Keith Rogers at krogers@reviewjournal.com or 702-383-0308. Contact reporter Doug McMurdo at dmcmurdo@reviewjournal.com or 702-380-8135.

# EXHIBIT 2

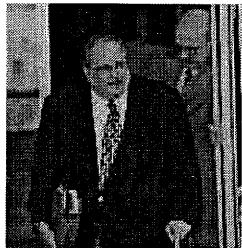
# EXHIBIT 2

## DAVID M PERELMAN

### Free speech defense used in Stolen Valor case

03/02/2010

By KEITH ROGERS  
AND DOUG MCMURDO  
LAS VEGAS REVIEW-JOURNAL



David Perelman Accused of illegally wearing a Purple Heart and stealing \$180,000 in disability benefits  
LAS VEGAS REVIEW-JOURNAL FILE PHOTO

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Las Vegas ELKS #1468 - 4100 W Charleston - Las Vegas, NV  
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**JUDGE ADVOCATE:**  
Michael C. Stern  
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### PAUL BENNETT

I. Joseph Schwartz (Irving Joseph Schwartz)

Oct. 30, 2009  
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**STOLEN VALOR ACT: Purple Heart  
claim challenged**

**VA employee also accused of taking**

# EXHIBIT 3

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Oct. 30, 2009  
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**STOLEN VALOR ACT: Purple Heart  
claim challenged**

**VA employee also accused of taking**

**\$180,000 in benefits**

By CARRI GEER THEVENOT and KEITH ROGERS  
LAS VEGAS REVIEW-JOURNAL

A Veterans Affairs employee from Las Vegas was indicted this week in a case of stolen valor and stolen benefits.

The case against David M. Perelman, who claimed to have received a Purple Heart medal, is the first known prosecution in Nevada under the Stolen Valor Act of 2005, which outlawed false claims of military honor. According to the indictment, Perelman claimed he had been wounded in combat in Vietnam, when in fact he had been wounded by a self-inflicted gunshot in 1991.

"The Purple Heart is a symbol of heroism, patriotism, honor, and symbolic of one's sacrifice and duty to our country," said Daniel Bogden, the U.S. attorney for Nevada. "Those who seek to diminish the sacrifice of others by wearing the Purple Heart when not authorized to do so will be vigorously prosecuted. Federal law calls for imprisonment for up to one year for wearing the Purple Heart when not authorized by law."

Perelman also is accused of stealing about \$180,000 in monthly disability benefits from the Veterans Administration, now known as Veterans Affairs, from 1995 until July 2009. He is 56.

Attempts to reach Perelman for comment Thursday were unsuccessful. He faces two charges: theft of government property, a felony, and the unauthorized wearing of a military medal, a misdemeanor.

"I'm glad that finally Mr. Bogden is going to prosecute a stolen valor case," said retired Army Lt. Col. Bill Anton, president of Special Forces Association Chapter 51. "Veterans are happy that he is finally addressing this, and we support him totally."

Anton spent a year trying to persuade Bogden to pursue a stolen valor case against another veteran, Jacob Cruze.

In e-mails to the Review-Journal in 2006, Bogden confirmed that his criminal chief had reviewed the Cruze matter and determined it was appropriately handled by Las Vegas police, "who cited Cruze for unlawfully using specialized veteran vehicle license plates and confiscated all improper medals, uniforms and indicia."

Bogden also wrote, "Considering our limited resources and manning we did not feel that additional misdemeanor charges ... were necessary since the matter had already been addressed by local authorities."

But Anton, a disabled Vietnam War veteran, said federal charges are needed to deter phony war heroes.

According to the indictment against Perelman, he falsely represented to the Veterans Administration that he legitimately had been awarded a Purple Heart when he knew he had fraudulently obtained the award by representing that he had been wounded in combat in Vietnam.

Perelman also knew, according to the indictment, "that he had been wounded by a self-inflicted gunshot in 1991, long after he had been discharged from the military, and that he had not served in combat in Vietnam."

The document accuses Perelman of wearing the Purple Heart without authorization in August 2008.

John Bright, director of the Veterans Affairs Southern Nevada Healthcare System, said he was "stunned as anybody else" to learn of the allegations of Perelman's false claims after a Veterans Affairs inspector general's investigation.

"He's been a pretty decent employee," Bright said Thursday. "We haven't had any problems with him. Of course he's not going to work for us any more."

Bright said the VA hired Perelman as a clerk about three years ago after he had worked as a volunteer for the agency.

Perelman sought employment saying that he was a disabled veteran, and he was cleared for hiring following a background check.

"There was no way for us to have known," Bright said.

He said Perelman has submitted his resignation; his last day in the VA job will be next week.

As for the indictment's allegation that Perelman embezzled \$180,000 in VA disability benefits, Bright said, "It's appalling. Apparently there are a lot of folks out there doing this type of stuff."

Records from the Military Order of the Purple Heart list Perelman as the organization's Nevada commander in late 2008.

He is the second former local official of the order to have questions surface about lying about military service.

Last year, Irving Joseph Schwartz, who had been a national service officer and past commander of the organization's Chapter 711 in Las Vegas, admitted to former Rep. Jon Porter's staff that he had fabricated his role in World War II after his claims for valor medals had stood without question for most of his life.

Porter had intended to name a post office after Schwartz until the Review-Journal raised questions about his military records.

Schwartz died in July.

John Bircher, national spokesman for the Military Order of the Purple Heart, noted that Perelman hasn't been found guilty yet.

If he is found guilty, his membership with the organization will be revoked, Bircher said.

"The Military Order of the Purple Heart feels strongly about the Stolen Valor Act, especially regarding those who falsely wear a Purple Heart," he said.

A Web site for the Air Force's 8th Aerial Port Squadron during the Vietnam War profiles Perelman's 1971 tour with photographs and a Purple Heart citation.

A summons has been issued for Perelman, who was indicted Wednesday. He is scheduled to make his initial court appearance on Nov. 13 before U.S. Magistrate Judge Lawrence Leavitt.

Anton said he has encountered Perelman several times over the past three years and knew him as a Purple Heart recipient who had served in the Air Force in Vietnam.

Perelman said he had been wounded by shrapnel during a rocket attack in Vietnam, said Anton, who was not surprised to hear about the criminal allegations.

"I didn't think the guy was real," Anton said.

He said most veterans have honor and integrity.

"That's something that's truly lacking in this country."

Contact reporter Carri Geer Thevenot at cgeer@reviewjournal.com or 702-384-8710. Contact Keith Rogers at krogers@reviewjournal.com or 702-383-0308.

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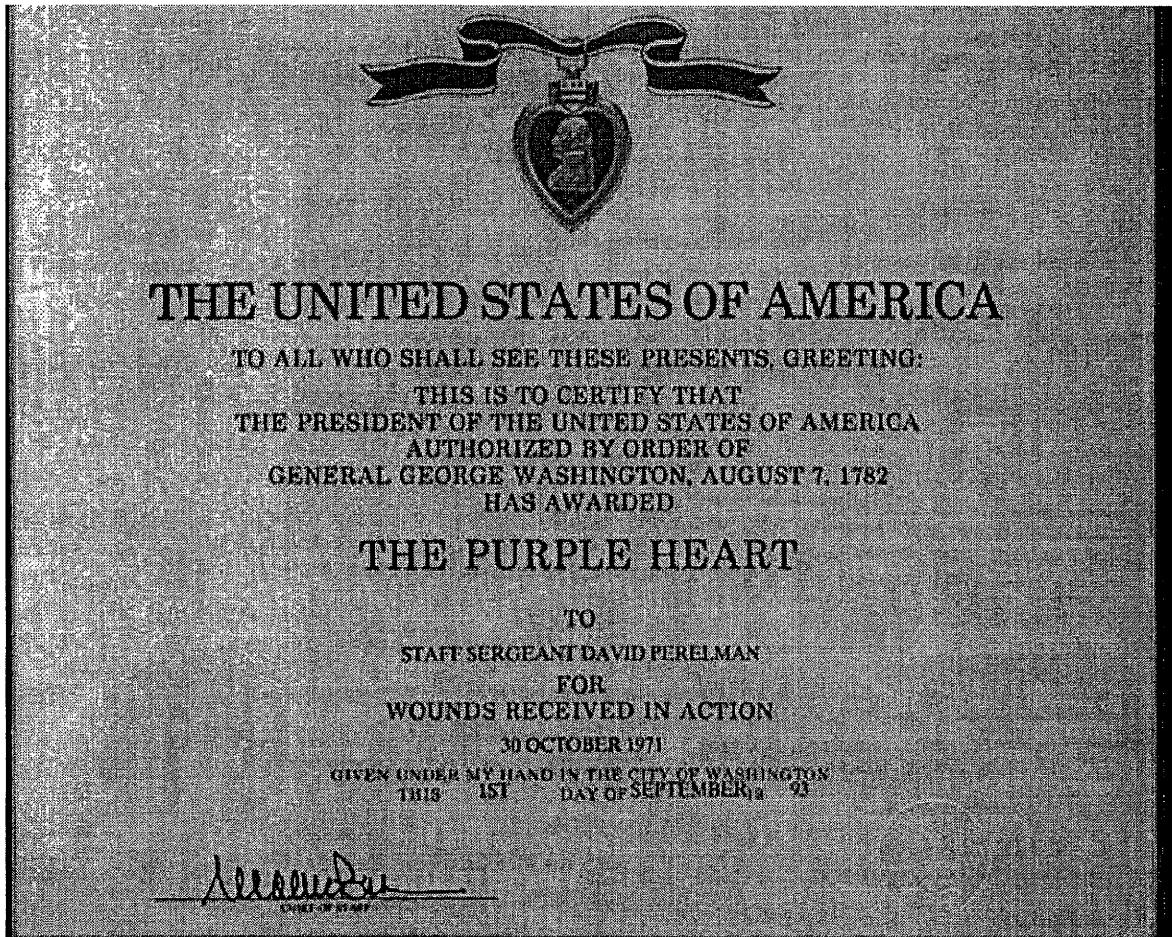
Served USAF - March 1971 - Nov 6 1971.  
MOS 60531

60531 Air Cargo Specialist 60531 Apprentice  
Air Freight Specialist

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# EXHIBIT 4

# EXHIBIT 4



## **Veteran pleads not guilty Stolen Valor Act has first Nevada prosecution**

By KEITH ROGERS

<http://www.lvri.com/news/veteran-pleads-not-guilty-70095342.html>

In the first known prosecution in Nevada under the Stolen Valor Act, a former Veterans Affairs employee pleaded not guilty Friday in U.S. District Court to charges of theft of government property and unauthorized wearing of a military medal, the Purple Heart.

With a walking cane in hand and wearing a Navy blue sports coat, David M. Perelman, 56, of Las Vegas, appeared before U.S. Magistrate Judge Lawrence Leavitt, saying, "Yes, your honor," and "Yes, I do," when Leavitt asked if he had read the grand jury indictment and understood the charges.

According to the Oct. 28 indictment, Perelman claimed he had been wounded in combat in Vietnam while serving in the Air Force. In fact, he had been wounded by a self-inflicted gunshot in 1991, the indictment states.

He is also accused of stealing about \$180,000 in monthly disability benefits from the Veterans Administration, now known as the Department of Veterans Affairs, from July 1995 until July 2009.

Leavitt released Perelman on his own recognizance pending trial after Perelman's court-appointed attorney, assistant federal public defender Rene Valladares, argued that he posed no risk of danger and no risk of not appearing for trial.

Perelman, who last year served as Nevada commander of the Military Order of the Purple Heart, had been working as a clerk at a local VA office for the past three years. He has since resigned following the indictment, a VA spokesman said Friday.

During his arraignment, Valladares said Perelman is currently receiving treatment for mental health problems

through the VA, Valladares said.

As he left the Lloyd George U.S. Courthouse, Perelman declined through Valladares to be interviewed.

"We just intend to prove Mr. Perelman is not guilty," Valladares said.

The theft charge Perelman faces is a felony and the unauthorized wearing of the Purple Heart medal is a misdemeanor. The Purple Heart medal is awarded to U.S. military personnel who have been wounded or killed in combat.

The indictment states that Perelman "had not served in combat in Vietnam." He is accused of wearing the Purple Heart without authorization in August 2008.

A VA official has said Perelman sought employment with the department, saying he was a disabled veteran. He was cleared for hiring following a background check.

Perelman is the second former local official of the Military Order of the Purple Heart to have questions surface about lying about military service.

Last year, Irving Joseph Schwartz, who had been a national service officer and past commander of the organization's Chapter 711 in Las Vegas, admitted to former Rep. Jon Porter's staff that he had fabricated his role in World War II.

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# EXHIBIT 5

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## DAVID M PERELMAN

David Perelman  
 NEVER IN COMBAT  
 May. 29, 2010  
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### **Man said he earned a top war medal**

By KEITH ROGERS  
 LAS VEGAS REVIEW-JOURNAL

The phony Medal of Honor citation makes him sound like Audie Murphy.

But nowhere does Sgt. David M. Perelman's name appear on the official list of Medal Honor recipients with Murphy, the most decorated American combat soldier from World War II, according to the Legion of Valor website.

Nor is his name listed alphabetically where it would be between Theodore Peck, a Civil War first lieutenant, and Lawrence D. Peters, a Marine sergeant who "gallantly gave his life for his country" in 1967 in Quan Tin province, Vietnam.

Yet, Perelman, a 57-year-old former Department of Veterans Affairs employee from Las Vegas who awaits trial in U.S. District Court on a charge of illegally wearing a Purple Heart medal, once claimed he too was awarded the Medal of Honor.

That's according to a California man who met Perelman on a vacation cruise and was given a copy of the bogus Medal of Honor citation.

Perelman also has pleaded not guilty to stealing \$180,000 in VA disability benefits in the case to be heard July 12 before Judge Kent J. Dawson. The felony theft charge for stealing VA benefits carries up to 10 years in prison and a conviction on the misdemeanor of "unauthorized wearing of a military medal" could carry a fine and an additional year in prison.

Perelman's Medal of Honor claim surfaced in a 1997 federal court case in Los Angeles that was dismissed and the record sealed except for the dismissal order signed by a magistrate judge who is no longer with the court.

However, a copy of a Medal of Honor citation that he shared with the California man on a vacation cruise in the mid-1990s describes heroic acts akin to those of Audie Murphy.

The one-page "order of the president" dated July 10, 1991 states that 20 years before, Air Force Sgt. Perelman had singlehandedly rescued the crew of a downed helicopter in Cambodia and killed dozens of the approaching enemy with his mini gun -- three less than Murphy killed mostly with a .50-caliber machine gun when Murphy's unit was attacked in France by tanks and waves of enemy German infantry.

With the pilot dead, Perelman, who was 18 years old at the time and was said to have had a pilot's license and "some 10 hours flying time in smaller helicopters decided to try and fly it, or perish from the rapidly approaching enemy," the citation states.

"He lifted the aircraft from the ground, turned it in the direction of the tree line, and fired an entire salvo of ... rockets. Sgt. Perelman was single-handedly responsible for killing 47 Viet Cong irregulars and saving the lives of 5 of his comrades," according to the typed, single-space citation with signatures that are supposed to be of then-Air Force Chief of Staff Gen. Merrill McPeak and Air Force Secretary Donald Rice.

Sanford Kassel, a San Bernardino, Calif., lawyer, said Perelman gave him a copy of the citation after meeting on a vacation cruise. Once during the cruise he said Perelman wore the Medal of Honor to a formal gathering and spoke about his purported heroic actions. He was photographed with the ship's captain.

"We had an opportunity to converse with him at our dinner table," Kassel said in a telephone interview last week.

Kassel said he was unaware of the 1997 California case in which Perelman faced a charge of unauthorized wearing of the Congressional Medal of Honor.

He noted that Perelman was "walking with a limp and used a cane on this cruise."

"He said he received this medal for action in Vietnam. He was relatively low-key but was certainly quite visible wearing the medal out in common areas," Kassel said. "This flatly wrong."

U.S. Attorney for Nevada Daniel Bogden said he is aware of the false Medal of Honor case involving Perelman declined comment because of the pending Purple Heart case.

Perelman's counsel in the Stolen Valor Act case in Nevada, Assistant Federal Public Defender Rene Valladares, Monday

DAVID M PERELMAN

<http://www.pownetwork.org/phonies/phonies577.htm>

he is aware of the prior litigation regarding Perelman and the Medal of Honor claim but because the case "is ongoing and unresolved on the constitutionality of the statute challenge, I'm not at liberty to comment."

In March, Valladares invoked a First Amendment defense in what is the first known prosecution in Nevada under Stolen Valor Act. He said he believes the act is unconstitutional.

Perelman, who was Nevada's commander for the Military Order of the Purple Heart in 2008, is accused of illegally wearing a Purple Heart medal during a national convention of recipients in Las Vegas.

He claimed he was wounded in combat in the Vietnam War when in fact he was wounded by a self-inflicted in 1991, according to the indictment.

Bogden has said because of the Purple Heart, the VA presumed that his thigh injury was service related and awarded him benefits.

Perelman had worked as a clerk for a local VA office for three years until he resigned after he was indicted in October.

According to court papers, Perelman arrived in Vietnam in August 1971 as an air cargo specialist and sought treatment a month later for hallucination flashbacks from taking LSD.

Doctors diagnosed a personality disorder and restricted him from hazardous duty.

In October 1971, after only seven months in the Air Force and less than three months in Vietnam, he was given administrative discharge.

Then, 20 years later he began a campaign, claiming that he was awarded the Air Force Cross and Purple Heart heroic action on July 12, 1971. During that purported incident he claimed he was wounded by shrapnel and second-degree burns but later admitted he shot himself in 1991, the court papers state.

The fake Medal of Honor citation that he gave to Kassel said "this award supersedes the Air Force Cross," among highest awards for valor.

Somehow, a special order for award of a Purple Heart medal dated Sept. 1, 1993, "made its way into Perelman's record at the National personnel Records Center," according to the prosecution's filing in the Nevada case.

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# EXHIBIT 6

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**\*-APPLICATION-\***

**Title** 

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**Title of Work:** Free speech defense used in Stolen Valor case

**Completion/Publication** 

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**Date of 1st Publication:** March 2, 2010

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Las Vegas, NV 89129-7701 United States

**Certification** 

---

**Name:** Steven A. Gibson

**Date:** May 18, 2010

**Applicant's Tracking Number:** 0001711

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**Registration #:**

**Service Request #:** 1-403372572

**Application Date:** 05-18-2010 22:32:41

**Correspondent** 

---

**Organization Name:** Righthaven LLC

**Name:** Steven A. Gibson

**Address:** 9960 West Cheyenne Avenue  
Suite 210  
Las Vegas, NV 89129-7701 United States

**Mail Certificate** 

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